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SENATE FISH AND GAME

EXHIBIT NO. 2

DATE Jan. 27, 2009

BILL NO. SB 162 & SB 163



To whom it may concern-

My name is Ken Clegg and I am a 42 year old wildlife biologist with a master's degree from Utah State University. I own and operate a small biological consulting firm (Private Lands Consulting) based in Utah but operating throughout the intermountain west. Throughout my career I have worked with State and Federal wildlife agencies and private landowners in managing wildlife that spend time on private property.

I have been asked by UPOM to look at a bill that would alter Montana FWP's ability to limit archery hunting and determine the biological impacts of this bill. In my opinion, the social ramifications are the issue behind this bill. Biologically, asking the FWP to not limit archery hunts unless success rates exceed 30% will have negligible impacts to the actual wildlife populations. Primitive weapon hunting in general has far less influence to the populations than the any weapon hunting. This bill should improve relations in the longterm between the FWP and private landowners since landowners wishing to have wildlife populations will have a small incentive to feature wildlife on lands owned by them. Landowners wishing to exclude wildlife populations from property owned by them will also have a small ability to utilize archery harvest (which will mostly displace wildlife populations) thereby allowing them a small tool to manage wildlife existing on private property.

As part of their directive the FWP has been asked to consider "landowner tolerance" regarding elk management plans as shown below.

[In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.]

This is written mostly to insure that populations do not get so big that they impact private landowners negatively. I would consider the fact that landowners now want to introduce legislation allowing them to assist with managing wildlife as a success story. Opposition from FWP to this bill is understandable as they could view this as undermining their authority. Future consideration of the needs of private landowners and "landowner tolerance" to wildlife populations should improve relations between FWP and landowners.

Comment on SB 162

To the members of the Senate FWP Committee:

As a landowner, rancher and sportsman I feel the landowners were left out of the decision making on the limiting of archery elk and antelope seasons. Archery hunting is limited enough without limiting hunting opportunity.

I feel that FWP decisions were social instead of biologic. When the only purpose of the limited archery was to manipulate land values and to stop the leasing of private land my property rights were invaded. If FWP would start working with landowners and ranchers instead of not maybe some of the issues would be resolved.

As a sportsman I felt that FWP was limiting my hunting opportunity. I feel that limiting archery only hurt the resident hunter by closing up more land instead of opening more land. This bill would allow more hunter opportunity by putting the issue on a more level playing field. I feel that FWP should base its decisions strictly on biological management. I strongly urge you to support this bill. Thanks for your time. Mark DeCock, Forsyth

01/26/09

To: Montana Legislature

From: Ron Shoen – Ranch Real Estate Broker

Rocky Mountain Ranch Realty

2110 Overland Ave, Ste 122

Billings, MT 59102

406-259-6666

Re; SB 162, SB 163

As a ranch real estate broker doing the majority of my business in Eastern Montana, I fully support both SB162 and SB163 for the following reasons;

1. The Fish and Games action to limit permits in Eastern Montana have absolutely no biological basis for game management and are strictly to limit ranch acquisitions by non residents and limit the number of outfitters leasing ranches for hunting.
2. Over the last 15 years, ranch values have been driven by the wildlife and recreational amenities encompassing many of Eastern Montana ranches. There is between a 25 and 50% premium for ranches with these amenities versus ranches that offer only livestock production with limited deeded land and federal grazing leases with public access. The majority of the buyers for the premium ranches are non residents who want to enjoy their property and have reasonable assurance of big game tags for themselves, their friends and family. The latest F&G regulations limit non residents to no more than 10% of the available tags in an area for elk and antelope. That means a non resident who purchased a multi million dollar ranch may never draw a tag to hunt his own ranch.
3. The current regulations of limited tags for non residents will only drop the value of recreational ranches in this area. The net effect is that ranchers who want to sell their place for their retirement are being deprived of millions of dollars in market value from their ranch sale. This in turn deprives the state of additional tax revenue from capitol gains taxes.
4. Even though the general public hates non residents, the real truth is that most of the ranches they buy have never been open to the public for hunting. The point that is missed is the economic impact the majority of non residents have on the local area when they buy a ranch. These people almost always improve the ranch buying materials and employing contractors locally. They also employ managers and seasonal help from the local area. Many of them lease the grass and farm ground to area livestock producers.

I don't know an answer that will please everyone for more public access, but the actions employed by the F&G are not the right way to go. They have been allowed to set their own social agenda by implementing regulations that have no scientific basis. I don't know how the thought process works that says if you drop ranch prices and also force the rancher to lose income from outfitters, and then they will all be overjoyed to open their ranches to the public for hunting. This state needs to look at other states for programs that work for everyone such a ranching for wildlife or guaranteed landowner tags...

Please accept this email as my written comments and testimony of support for SB 162, and SB 163. This is in reference to the January 27th Senate Fish and Game Committee hearings in room 422 of the Capitol. I will not be able to attend, however appreciate you accepting my written testimony.

The commission should only be able to relieve hunter pressure when necessary based on biological management rather than social concerns. This bill offers positive aspects for both landowners and sportsman alike and protects hunter opportunity. Any outside interference other than biological management for the health of big game herds should not be permitted. FWP should utilize sound science in their decisions rather than third party individual social interests.

Economical concerns should also be considered especially in the way limiting hunting opportunities effect small towns and rural economies. Property rights should continue to be protected so that FWP cannot manipulate land value arbitrarily by restricting recreational access. This also effects the economy of rural, small towns that depend on sportsman's dollars.

It should be fully accepted and agreed upon that hunting has proven to be the most effective management tool at the disposal of FWP. By maximizing hunter opportunity, small towns and economies will have better structure and tourism support. Healthy game herds will also be a peripheral for non-hunters, photographers, hikers and other outdoor enthusiasts who visit our areas to view wildlife in their natural habitat.

SB 163 will assure that FWP follow the same procedures of EIS to make certain that all economic impacts are considered. In spite of overwhelming public comment, FWP was still able to restrict elk and antelope archery permits without consideration of the effects on local economies.

I personally live in the rural area of Paradise Valley, Montana. I outfit hunters and fishers each season. My business is based on sound scientific management of game and habitat. We have already suffered enough economic loss in our local community with the introduction and continued mismanagement of wolves. It is time the original and most qualified conservationists be returned to their successful management status of wild game and public lands in better cooperation with FWP and private land owners.

If you have any future questions, please call me anytime at 406-333-4361. Thank you for taking the time to accept my comments.

Sincerely,
Jim Klyap, Manager & Outfitter
Dome Mountain Ranch
2017 US Highway 89 South
Emigrant, Montana 59027
www.domemountainranch.com

Comment on SB 163

To the Senate FWP committee:

In response to SB163 i feel that FWP needs the Economic Impact Statement to be a vital part of their decision making. Without it how does FWP know who it's effecting. The limited archery decision in 2008 had a major impact on several small businesses from meat processors, motel owners, taxidermists, gas stations cafes, outfitters and landowners. If the limited archery stays the same these businesses will only shut down. For most of them it is the difference between living and dying. In the town I'm from it was the deciding decision of a taxidermist to sell his business. I feel that hunting should be about opportunity. Opportunity for everyone. Making EIS mandatory would let FWP know what works and what doesn't.

Thanks for your time. Mark DeCock, Forsyth

To: Montana Fish and Game Committee

Room 422

Regarding Senate Bill(s) 162 & 163

January 26, 2009

Dear committee:

As a third generation Northeast Montana rancher, landowner and avid hunter, I am writing this letter in support of SB 162 and SB 163.

My biggest concern with recent FWP's actions regarding their decision to change the permit system for licenses is that this is just a precursor of things to come. If left unchallenged and unchecked the process will naturally lead to the FWP arbitrarily trying to influence land values by severely restricting private property owner's use of their own land via FWP's allocations in their "permit system". I will leave others to argue the property rights issues associated with that scenario and instead will address what I believe could be some unintended consequences of going down this slippery slope. Not only could this result in ultimately reducing hunting access on private property where Conservation Easements are an option but it could pit landowners against sportsmen.

The granting of public access for hunting through the Conservation Easement program was created in order for the public to gain access on privately owned land. Since its inception, many farm and ranch families and conservation minded individuals have used the program to grant public access through the use of these hunting easements. The monetary or tax benefit to the landowner granting the easement is roughly based on the difference between the ag value and the recreational value of the property itself. Eliminating or reducing the obvious recreational value of a piece of private property by limiting traditional and historical use reduces that property to lower agricultural values. No recreational value means little or no value can be attributed to the granting of public access through the use of an easement. No value to the easement means no benefit to the landowner. No benefit to the landowner means no easement which means no public access. Consequently, any action that runs the risk of decreasing or altogether eliminating the specific recreational value of a piece of property by targeting a specific group of users eliminates the monetary incentives associated with the Conservation Easement program. Simply put, eliminate the incentives and there is no reason for any property owner to enter into such an agreement.

In addition, any perceived decrease in land values would affect all landowners, not just those who own property with higher "recreational" value. Attempts to manipulate the

Page 2

SB 162-163

1/26/09

system to limit recreational opportunities on "some" private property will be detrimental to all land values across the board and would not be viewed favorably by Montana ranchers, farmers and landowners, including those who currently allow public access. I'm afraid it could become the slippery slope that would not bode well for landowner/sportsman relations and result in a net decrease of public access on private property. Senate bill(s) 162 & 163 are a direct result of the fear by private property owners that if these issues aren't adequately address now, their rights as landowners will be diminished.

Sincerely,

Eliot Strommen